

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

DARREAL HAYES,

Petitioner, : Case No. 1:24-cv-436

- vs -

District Judge Susan J. Dlott
Magistrate Judge Michael R. Merz

MAJOR DAN EMS, WARDEN,
Hamilton County Justice Center,

:
Respondent.

DECISION AND ORDER

This habeas corpus action, brought *pro se* by Petitioner Darreal Hayes pursuant to 28 U.S.C. § 2241, is before the Court on Petitioner's Motion to Adjudicate and Grant Release (ECF No. 9). Petitioner notes that the Court had ordered her custodian to answer by a date certain. When that date arrived and her custodian had not provided an adequate response, the Court involved the Attorney General of Ohio, who regularly represents respondents in habeas corpus cases and extended the date for an answer to November 1, 2024 (ECF No. 8). In the meantime, the Magistrate Judge is advised the Attorney General has forwarded the Order for Answer to the Hamilton County Prosecutor.

Petitioner argues:

Pursuant to 28 U.S.C. § 1746 and/or 28 U.S.C. § 2255 para. 6. This order was timed fixed and I am respectfully requesting a decision be issued on the writ of habeas corpus, to release my body from confinement back into the community as prescribed by the rules and regulations of the habeas corpus.

(ECF No. 9, PageID 31).

Neither of the cited statutes gives Petitioner a right to immediate release. 28 U.S.C. § 1746 provides an alternative method to an affidavit for presenting facts. 28 U.S.C. § 2255 provides a remedy parallel to habeas corpus for federal prisoners post-conviction. Nor does any other provision of federal law known to the undersigned proscribe the procedure followed in this case to date.

The Motion to Adjudicate and Release is DENIED.

October 11, 2024.

s/ Michael R. Merz
United States Magistrate Judge